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Teva Pharmaceuticals USA, Inc.

14
15 **UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA**

16 AMARIN PHARMA, INC. *et al.*,
17
Plaintiffs,

18 v.

19 WEST-WARD PHARMACEUTICALS CORP.,
20 *et al.*,
21 Defendants.

Case No.: 2:16-cv-02525-MMD-NJK

(Consolidated with 2:16-cv-02562-MMD-
NJK, 2:16-cv-02658-MMD-NJK, and 2:17-cv-
02641-RFB-GWF)

**REQUEST TO ADJOURN
PRE-CLAIM-CONSTRUCTION
SETTLEMENT CONFERENCE**

1 Defendant Teva Pharmaceuticals USA, Inc. ("Teva") requests that the January 8, 2018
2 pre-claim-construction settlement conference be adjourned until a later date. In support of the
3 request, Teva states the following:

4 1. The Court has scheduled a pre-claim-construction settlement conference in this
5 action for January 8, 2018. ECF No. 92 at 1. The conference is to be held in the chambers of
6 Magistrate Judge Koppe, Fourth Floor, Lloyd D. George United States Courthouse, 333 Las
7 Vegas Boulevard South, Las Vegas, Nevada.

8 2. Teva respectfully requests that the pre-claim-construction settlement conference
9 be adjourned until after the Court has construed the claims of the patents in suit. At this time,
10 Teva does not believe a pre-claim-construction settlement conference would be productive for
11 the following reasons.

12 3. The parties have already litigated these same patents in New Jersey until that case
13 was interrupted by regulatory events after claim construction issues had been fully briefed. The
14 lack of progress on settlement in that prior litigation suggests that likelihood of success in talks
15 in early January are likely too low to warrant an in-person settlement conference at this juncture
16 in the case.

17 4. Furthermore, an in-person attendance in Las Vegas is not convenient for Teva
18 personnel, all of whom live and work on the East Coast. While Teva is open to settlement and
19 would welcome settlement discussions, Teva respectfully requests that the expense and
20 inconvenience of an in-person conference in Nevada should be delayed until a time when the
21 odds of meaningful progress toward a settlement are better than they are likely to be on January
22 8, 2018.

1 5. Teva is aware that the Court spends significant time preparing for settlement
2 conference and takes them very seriously. Accordingly, Teva does not want to waste the Court's
3 time or resources at this stage of the case when settlement seems highly unlikely.

4 For these reasons, Teva requests that the Court adjourn the pre-claim-construction
5 settlement conference to a later date.
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1 Dated: December 6, 2017

2 /s/ J.C. Rozendaal

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Teva Pharmaceuticals USA, Inc.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I electronically transmitted a true and correct copy of the foregoing **REQUEST TO ADJOURN PRE-CLAIM-CONSTRUCTION SETTLEMENT CONFERENCE** to the following counsel of record for Plaintiffs in this matter through the Court's CM/ECF e filing program:

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DATED this 6th day of December, 2017.

/s/ Cindy S. Grinstead
An Employee of Dickinson Wright PLLC